

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	Index No.: 07 CV 3384
UNITED STATES OF AMERICA	:
	:
Plaintiff,	:
	:
- against -	: VERIFIED
	: ANSWER
	:
	:
PRESTON LESCHINS, HSBS MORTGAGE	: ECF Case
CORPORATION (USA) F/K/A MARINE	:
MIDLAND MORTGAGE CORP., AND JOHN	:
DOES NOS. 1-10,	:
	:
Defendants.	:
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Defendant HSBC Mortgage Corporation (USA) f/k/a Marine Midland Mortgage Corp., by and through its attorneys, Stein & Sheidlower, LLP, as and for its Answer to the Complaint served by Plaintiff, hereby alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the allegations in Paragraphs "1", "2", "3", "4", "5", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "24", and "25" of the complaint.

2. Denies knowledge or information sufficient to form a belief as to the allegations in paragraphs "6" and "23" except admits that Defendant has a lien against the subject property pursuant to a Loan Security Agreement and UCC-1 Financing Statement filed with the City Register of Bronx County.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

3. The Complaint fails to state a viable cause of action against the answering defendant upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

4. Answering defendant is not a necessary party to this action. As such, the Complaint should be dismissed as against the answering defendant as a matter of law.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

5. The lien of Defendant HSBC Mortgage Corporation (USA) f/k/a Marine Midland Mortgage Corp. is superior to Plaintiff's lien for unpaid federal income taxes. As the lien of Defendant HSBC Mortgage Corporation (USA) f/k/a Marine Midland Mortgage Corp. is superior to Plaintiff's lien for unpaid federal income taxes it cannot be affected by this action. Any foreclosure sale in this action for Plaintiff's lien for unpaid federal income taxes is subject and subordinate to the lien of HSBC Mortgage Corporation (USA) f/k/a Marine Midland Mortgage Corp. As such, the lien of HSBC Mortgage Corporation (USA) f/k/a Marine Midland Mortgage Corp. cannot be extinguished or foreclosed by this action, and shall survive any foreclosure sale in this action. There is no basis for HSBC Mortgage Corporation (USA) f/k/a Marine Midland Mortgage Corp. to be named as a Defendant herein as its rights and interest cannot be affected by this action.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

6. Any foreclosure sale or any other relief granted as a result of this action affecting the subject property must be made subject to the superior first lien of record held by answering defendant.

WHEREFORE, answering defendant respectfully demands judgment dismissing the complaint as against answering defendant, awarding answering defendant its reasonable costs and attorneys fees incurred in defending this action, and for such other and further relief as to this Court may seem just and proper.

Dated: Carle Place, New York
June 22, 2007

Yours, etc.

Stein & Sheidlower, L.L.P.
Attorneys for Defendant
HSBC Mortgage Corporation (USA)
f/k/a Marine Midland Mortgage Corp.

By: /s/ Robert Sambursky
Robert Sambursky, Esq.
One Old County Road, Ste. 113
Carle Place, New York 11514
(516) 742-1212

To: Michael J. Garcia
United States Attorney for the
Southern District of New York
By: Lawrence H. Fogelman
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007